REMARKS

This Amendment is in response to the Office action (Paper No. 20080620) mailed on 8 July 2008. Re-examination and reconsideration are respectfully requested.

Listing of The Claims

Pursuant to 37 CFR §121(c), the claim listing, including the text of the claims, will serve to replace all prior versions of the claims, in the application.

Status of The Claims

Claims 1-15, 17-27 and 29-37 are pending in the application.

Amendment of The Claims

Claims 1-7, 10-15, 17-19, 21-22, 25-27, 29-31, 33-34 and 37 are amended in response to the Examiner's rejections and Claims 16 and 28 are cancelled.

Issues Raised by Paper No. 20080620

Election/Restriction

The Examiner has made the restriction requirement final in this action.

The Examiner maintained the restriction requirement previously imposed in this application. The applicant has filed a Petition under 37 C.F.R. 1.144 to the Commissioner with the present amendment.

The requirement for restriction was not withdrawn, but was made final in paper No. 20080620, the applicant has simultaneously filed with the present amendment a Petition under 37 C.F.R. 1.144 to the Commissioner because there is no ***serious*** burden upon the Examiner in searching species A1 and A2 of Group I, species B1 and B2 of Group II and species C1 and C2 of Group III, and the applicant's invention teaches a single invention.

The applicant has amended independent claims 14 and 27 by adding a definition of electrolytic solution inlet and thus claims 14 and 27 have similar definitions compared to claim 1. The applicant therefore discussed the different species included in the independent claim 1 and the dependent claims 2 through 13 depending on claim 1 as an example of traversing the Examiner's restriction requirement in the following paragraphs. The Examiner is requested to be noted that the different species included in the independent claims 14 and 27 and their corresponding dependent claims are similar to the independent claim 1 and the corresponding dependent claims depending on claim 1, therefore, the applicant's arguments stated in the following paragraphs are applicable to independent claims 14 and 27 and the corresponding dependent claims respectively depending on claims 14 and 27.

The applicant respectfully submits that a restriction requirement should not be imposed in this application for the reasons previously stated in the Amendment filed on 11 March 2008 and 25 April 2008, which are incorporated herein by reference thereto.

Restriction to one of the following inventions was required under 35 U.S.C. 121:

Species Group I

Species A1, appears to be claims 2,17,29, and 30

Species A2, appears to be claims 3, and 18

Species Group II

Species B1, appears to be claims 8, 23, and 35

Species B2, appears to be claims 9-10, 24-25, and 36-37

Species Group III

Species C1, appears to be claim 11

Species C2, appears to be claims 12 through 14

The applicant has cancelled claims 3, 18 and 30 and thus Species A2 are no longer to be claimed. The applicant cancelled 2, 17 and 29 and incorporated the limitations of claim 2, 17 and 29 respectively into claims 1, 14 and 27. The applicant elected Species A1 and provisionally elected Species B1 and C2 with traverse.

The applicant objects to and traverses the Examiner's restriction requirement on the grounds that the subject matter of the six Species are overlap and must be simultaneously examined in compliance with 37 CFR §1.104(a). In addition, the mandatory fields of search for the six embodiments are coextensive. Finally, it appears that the restriction requirement is being imposed merely for administrative convenience, and such a basis for imposition of a restriction requirement has been prohibited in previous decisions of the Commissioner.

The Examiner stated that the embodiments of Species A1, Species B1-B2 and Species C1-C2

are patentably distinct species. This restriction is improper and contrary to Office policy; the basis for Applicant's traverse is, as follows.

Species A1, Species B1-B2 and Species C1-C2 are five different however firmly related embodiments for a single invention. The discussion is as follows.

Species A1and Species B1-B2 are three embodiments of the applicant's invention. The applicant amended claim 1 for better definition of the structure of the applicant's novel electrolytic solution inlet and the amended claim 1 further defines the embodiment of Species A1. The amended claim 1 defines a secondary battery including an electrolytic solution inlet having a first area of a first opening on a first surface of the cap plate being different from a second area of a second opening on a second surface of the cap plate, with the first surface of the cap place and the second surface of the cap plate opposite to and spaced apart from the electrode unit. The amended claim 1 defines that the electrolytic solution has two openings respectively disposed on two surfaces of the cap plate with the two openings having different areas, and the first area is smaller than the second area. The applicant no longer claims the embodiment as shown in FIG. 4. The difference of the area of the two openings is the enlarged entrance for the electrolytic solution inlet. The applicant's electrolytic solution inlet of the secondary battery defined by claim 1 may have a structure as shown in FIG. 3 (defined by claim 1), a structure as shown in FIG. 5 (defined by claim 8) or a structure as shown in FIG. 6 (defined by claim 9).

The fact that the Examiner has examined the genus claim 1 on the merits in paper No.

20080620, proves that the Examiner has performed a successful searching without any burden. In other words, in order to determine the patentability of the genus claim 1, the Examiner should have simultaneously examined the secondary batteries which have different structures of electrolytic solution inlets. Therefore, there is no serious burden upon the Examiner in searching Species A1and Species B1-B2.

Species C1-C2 define the relative positions of the second electrode tab, the terminal pin and the electrolytic solution inlet. It could be expected that during the Examiner examining the provisionally elected Species C2, the Examiner has examined the existing relative positions between these three components in the art. In other words, in order to determine claim 12 through 14 (the provisionally elected Species C2), the Examiner has simultaneously examined several secondary batteries which may have different relative positions between the second electrode tab, the terminal pin and the electrolytic solution inlet. Therefore, there is no serious burden upon the Examiner in searching Species C1-C2.

Therefore, there is no serious burden upon the Examiner in searching Species A1, Species B1-B2 and Species C1-C2.

As specifically stated in MPEP § 803, the Examiner must show that the (A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP §806.05 - §806.05(i)); **and** (B) There must be a **serious burden** on the examiner if restriction is required (see MPEP §803.02, §806.04(a) - §806.04(i), §808.01(a), and § 808.02). The Examiner must prove there is a serious burden on the Examiner. It is respectfully submitted that there would

not be a serious burden upon the Examiner in searching the invention of Species A1, Species B1-B2 and Species C1-C2.

Moreover, the Examiner fails to either aver the existence of a serious burden, or even that Applicant's are classified in different subclasses, or the fields of mandatory search are different. In point of fact, the Examiner fails to identify any classification for the individual species. There is therefore, on the record of this prosecution history, neither factual evidence which would support a naked allegation of any reason for this requirement under 37 CFR §1.146, nor factual basis for an evidentiary inference that would justify the imposition of this requirement. In short, this imposition of a requirement for an election of species merely delays a timely completion of the examination without concomitant benefit to the Applicant. Its withdrawal is respectfully requested. Such action is respectfully urged.

In conclusion, Applicant objects to and traverses the election requirement on the grounds that the subject matter of the six species overlap. In addition, the mandatory fields of search for the six embodiments are coextensive. Furthermore, the Examiner has successfully searched the six embodiments during the examination of genus claim 1 and provisionally elected Species C2 without any burden. Finally, it appears that the election requirement is being imposed merely for administrative convenience and such a basis for imposition of such a requirement has been prohibited in previous decisions of the Commissioner.

Applicant respectfully traversed the final restriction requirement imposed in paper No.20080324. The applicant objected to and traversed the restriction requirement on the grounds that

the restriction requirement appears to have been imposed merely for administrative convenience, and such a basis for imposition of a restriction requirement has been prohibited in previous decisions of the Commissioner.

Firstly, the Examiner has failed to show any type of burden, much less a serious burden, in the absence of a restriction requirement. In particular, not only has the Examiner failed to show that the search would impose a burden, but also the Examiner has failed to show that any burden would rise to the level of a serious burden. As stipulated in MPEP §803, if the search can be made without serious burden, the Examiner must examine the application on the merits, even if there are separate and distinct inventions. The Examiner has not alleged any serious burden in the restriction request under 37 CFR §1.142, and thus the Examiner must examine the entire application. Moreover, because no burden was shown, if the restriction is not withdrawn in the next Office action, the restriction requirement cannot be made final according to MPEP §706.07.

Secondly, the Examiner on page 3 of paper No. 20080620, states that "there is serious burden upon the Examiner in searching the invention, because these is a different field of search for the species." The applicant respectfully disagrees with the Examiner assertion because the fact that the Examiner has examined the genus claim 1 on the merits in paper No. 20080620 proves that the Examiner has performed a search without any burden. In other words, in order to determine the patentability of claim 1 and the provisionally elected Species C2, the Examiner has simultaneously examined several different electrolytic solution inlets of the secondary batteries which may have

different structures. Therefore, there is no serious burden upon the Examiner in searching the invention.

As discussed above, Species A1, B1-B2 and C1-C2 are five embodiments of the applicant's invention and have firm relationships between each other and are not distinct inventions. Therefore, the Examiner "must discuss such relationships and provides reasons advanced leading to the conclusion that the disclosed relation does not prevent restriction, in order to establish the propriety of restriction". See MPEP 808.01(a). The Examiner in the preceding office actions failed to mention or discuss such relationships. Therefore, the Examiner is respectfully requested to be noted that Species A1, B1-B2 and C1-C2 are related and are not distinct inventions.

Thirdly, *MPEP* §806.03 states that:

> "Where the claims of an application define the same essential characteristics of a *single* disclosed embodiment of an invention, restriction therebetween **should never be required**. This is because the claims are but different definitions of the same disclosed subject matter, varying in breadth or scope of definition" (emphasis supplied).

Why, then has this prohibition been violated in the above-captioned application where a single embodiment has been disclosed? That fact that Applicant's claims are very broad in scope, and cover a plethora of implementations of the principles of Applicant's inventions, is not a basis for violating this prohibition against restriction. Withdrawal of this requirement is therefore respectfully urged.

Drawings

The drawings are objected as failing to comply with 37 CFR §1.84.

The Examiner objected the drawings as failing to comply with 37 CFR 1.84(p)(4) because reference character "32" has been used to designate both terminal pin and first electrode tab ([0042], line 7). The applicant has amended Paragraph [0042] in order to amend "the first electrode tab 32" to "the first electrode tab 22".

The Examiner further objected the drawings because they do not include the following reference sign(s) mentioned in the description: "43" designated as insulating plate in specification ([0061]). The applicant respectfully disagrees and traverses the Examiner's objection because the insulating plate 43 is clearly marked by reference number 43 in FIG. 10. The applicant's FIG. 10 is cited as follows.

FIG. 10

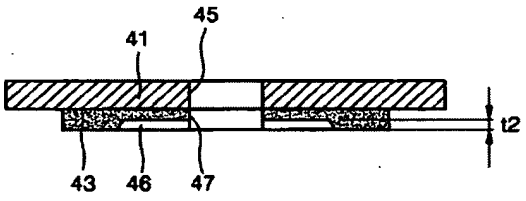


FIG. 8 is amended by changing reference number 37 to reference number 38. Reference number 38 refers to a stepped portion.

Specification

The Specification is objected to because of the title being not descriptive.

The Examiner objected the title of the applicant's invention as being not descriptive. The applicant respectfully disagrees with the Examiner's assertion.

It is stated in MPEP 606.01 that:

> "Where the title is not descriptive of the invention claimed, the examiner should require the substitution of a new title that is clearly indicative of the invention to which the claims are directed."

The applicant's title however expressly pointed out the claimed invention, i.e., an improved secondary battery by defining a novel electrolytic solution inlet. The structure of the applicant's improved secondary battery is explicitly defined in the applicant's claims.

Moreover, several issued patents having titles as "secondary battery", such as patent No. 6,534,219 , No. 6,524,739, No. 6,472,096, No. 6,391,492 and etc., prove that the title "secondary battery" is proper for a secondary battery having novel structures.

Therefore, the applicant's title is descriptive of the invention claimed and thus the Examiner's request of changing the title is not proper. In order to advance the Examination however, the applicant has amended the title to read "SECONDARY BATTERY HAVING AN ENLARGED ELECTROLYTIC SOLUTION INLET".

Claim Rejection – 35 U.S.C. §112

Claims 1, 2, 6, 12, 13, 14, 16, 17, 21, 26, 28, 29 and 33 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, 6, 12, 13, 14, 17, 21, 26, 29 and 33 are amended in response to the Examiner's rejection and claims 16 and 28 are cancelled.

Claim Rejection – 35 U.S.C. §103

I. Claims 1, 2 and 8 are rejected under 35 U.S.C. §103 as being unpatentable over Osamu et al. (JP2000-208130) in view of Pfeiffer (DE 3339933).

The Examiner in Paper No. 20080620 rejects the applicant's claim 1 as being unpatentable over Osamu '130 in view of Pfeiffer '933. The applicant submits that Osamu '130 teaches a structure of a contemporary battery as discussed in the applicant's background section and does not teach the applicant's novel electrolytic solution inlet. See the applicant's original specification, page 2, paragraphs [0004], [0005] and [0006]. Osamu '130 is one of prior art of the applicant's invention. The applicant further submits that Pfeiffer '933 teaches away from the applicant's invention, as is demonstrated in the following pragraphs. Therefore, the Examiner's proposed combination is not proper as being a basis of the Examiner's rejection to the applicant's claim 1.

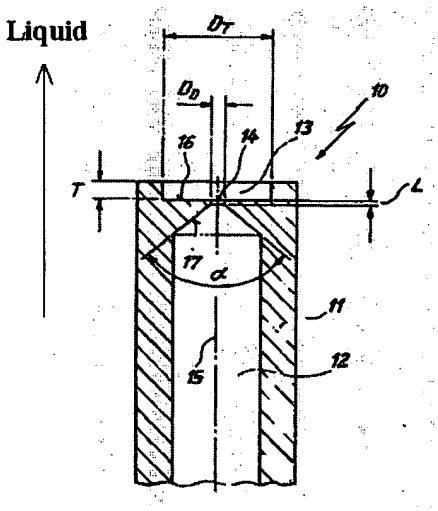
The applicant cancelled claim 2 and amended claim 1. The amended claim 1 defines that the electrolytic solution inlet has two openings respectively disposed on two surfaces of the cap plate

with the first area being smaller than the second area. The difference of the area of the two openings is the enlarged entrance for the electrolytic solution inlet.

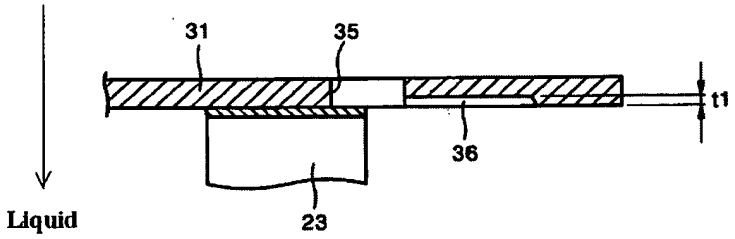
The applicant's detailed arguments (1) through (5) will be stated as follows.

(1) The Examiner in Page 10 of Paper No. 20080620 mentions that "Osamu '130 and Pfeiffer '933 are analogous art because they are both concerned with ... using inlets for introducing liquids into container". The applicant respectfully disagrees with the Examiner's assertion because Pfeiffer '933 relates to drop propelling nozzle 10 which sprays liquid to the exterior of central circular cylindrical nozzle chamber 12 and is NOT analogous art to either the applicant's invention or to Osamu '130.

The following figure shows a cross section of Pfeiffer '933's drop propelling nozzle 10.



The following figure shows a cross section of the top portion the applicant's battery.



Comparing Pfeiffer '933's drop propelling nozzle 10 and the applicant's electrolytic solution inlet 35, the applicant submits that Pfeiffer '933 teaches a unit performing a complete different functionality compared to the applicant's electrolytic solution inlet. Pfeiffer '933's drop propelling nozzle 10 spray the liquid from the interior of chamber 12 to the exterior of chamber 12. In other words, Pfeiffer '933 teaches an improved outlet and the applicant's claim 1 defines an outlet.

The structure of Pfeiffer '933's nozzle 10 has a narrower diameter at the opening compared to the original size of chamber 12 and such **gradually narrowed** structure realizes a small flow resistence during spraying the liquid from the interior of central circular cylindrical nozzle chamber 12 to the exterior. The applicant's invention, on the other hand, **widens** the entrance for receiving the electrolytic solution.

Therefore, Pfeiffer '933 teaches away from the applicant's amended claim 1 and thus the Examiner' proposed combination **teaches away** from the applicant's amended claim 1.

Therefore, Pfeiffer '933 is **nonanalogous** art because Pfeiffer '933 is concerned with an outlet for spraying liquids out of the container. Therefore, the Examiner's assertion is incorrect.

According to MPEP 2141.01(a), "TO RELY ON A REFERENCE UNDER 35 U.S.C. 103, IT MUST BE ANALOGOUS PRIOR ART." The examiner apparently mistakenly used nonanalogous prior art for the purpose of supporting the obviousness of the subject matter as defined in the applicant's claim 1, therefore, the Examiner's above assertion is not proper.

(2) The Examiner on page 10 in Paper No. 20080620 states that:

> "It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Pfeiffer's conical shape (Applicant's an area on one surface of the cap plate different from that on another surface of the cap plate) for Osamu's inlet, because Pfeiffer's conical shape would spray Osamu's electrolysis solution into the cell case (1) which would more uniformly distribute Osamu's electrolysis solution."

The applicant respectfully disagrees with the Examiner statement. On the assumption that Pfeiffer '933's nozzle may be used to spray Osamu '130 's electrolysis solution into the cell case (1), Pfeiffer '933's nozzle is at most merely an external tool for providing Osamu '130 's electrolytic solution into the electrolytic solution inlet of the battery, but is NOT possibly to be used as a receiver of the electrolysis solution due to the nature of Pfeiffer '933's nozzle. Therefore, Pfeiffer '933's nozzle is not applicable to modify Osamu '130's battery for a better performance.

Furthermore, it is stated in MPEP 2143.01as follows:

> "Obviousness can only be established by combining or modifying the

> teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art."

The applicant notices neither Pfeiffer '933 nor Osamu '130 suggests or teaches the Examiner's proposed combination or modification. Because Pfeiffer '933 teaches away from the applicant's claim 1, it is not possible for one of ordinary skill in the art may realize the Examiner's proposed combination or modification.

(3) The Examiner cited Pfeiffer '933 and asserts that Pfeiffer '933 teaches "a liquid drop-propelling nozzle (10) which is utilized as a liquid inlet from exterior to interior of a chamber." The applicant respectfully pointed out that Pfeiffer '933, in fact, teaches a liquid drop-propelling nozzle (10) which is utilized as a liquid **outlet** spraying the liquid from interior to exterior of a chamber 12 and Pfeiffer '933's liquid outlet 10 is a totally different unit compared to the applicant's electrolytic solution inlet and thus is not comparable to the applicant's electrolytic solution inlet. Therefore, the Examiner's comparison is not proper.

Therefore, the Examiner proposed combination against the applicant's claim 1 is lack of basis and thus the Examiner's rejection is not proper.

(4) The applicant's invention as defined in claim 1, solves the problems that, "since the positive electrode tab 13 is welded to a position between the terminal pin 17 and the electrolytic

solution inlet 18, a space margin is insufficient at the welding position of the positive electrode tab 13. Thus, if the positive electrode tab 13 happens to be welded to a position at which the electrolytic solution inlet 18 is interfered with, injection of an electrolytic solution can not be smoothly performed." (See paragraph [0028]) None of the Examiner's references realized the above disadvantage of the contemporary secondary batteries, and thus the Examiner's combination does not possibly teach or suggest the applicant's improved secondary battery by increasing the entrance of the electrolytic solution inlet in order to smoothly perform the injection of an electrolytic solution.

The applicant's secondary battery having a novel electrolytic solution inlet as defined in the amended claim 1 has the following advantages compared to the contemporary secondary batteries:

> "First, since the area of the entrance or exit of an electrolytic solution inlet can be increased, an electrolytic solution can be injected more smoothly. Second, even when an electrode tab is welded such that an electrolytic solution inlet is interfered with to some extent, injection of an electrolytic solution can be smoothly performed. Third, a space margin of a cap assembly can be increased by ensuring freedom in selecting the injection position of an electrolytic solution, and the welding position of an electrode tab can be advantageously set. Fourth, a safety vent can be more easily installed at a cap plate."

The applicant notices that the Examiner's combination is silent about an electrolytic solution inlet having an **increased entrance or exit**, therefore, the Examiner's combination does not possibly realize an improved secondary battery as defined in the applicant's claim 1.

(5) The applicant's amended claim 1 defines an electrolytic solution inlet having "a first area of a first opening of the electrolytic solution inlet on a first surface of the cap plate being different from a second area of a second opening of the electrolytic solution inlet on a second surface of the cap plate, with the first surface of the cap place and the second surface of the cap plate opposite to and spaced apart from the electrode unit". The applicant's amended claim 1 may be interpreted into several embodiments as shown in FIGS. 3 through 10 and the applicants' electrolytic solution inlet having an enlarged entrance or exit, and thus even if positive electrode tab 13 happens to be welded to a position at which electrolytic solution inlet 18 is interfered with, the injection of an electrolytic solution may still be smoothly performed. (See paragraph [0047])

None of the Examiner's references teaches such **an enlarged electrolytic solution inlet** as defined in the applicant's amended claim 1, and none of the Examiner's reference realizes that the contemporary electrolytic solution inlets should be enlarged for a better performance of solution reception and thus the Examiner's proposed combination is lack of basis.

The Examiner's rejection to claim 1 as being unpatentable over Osamu '130 in view of Pfeiffer '933 is therefore not proper and is respectfully requested to be withdrawn.

The applicant further notes that the examiner's proposed combination does not contemplate an enlarged electrolytic solution inlet as defined in the applicant's amended claim 1. Consequently, claim 8 is not tendered obvious by the Examiner proposed combination.

II. Claims 4-6 are rejected under 35 U.S.C. §103 as being unpatentable over Osamu JP'130 in view of Pfeiffer DE'933, and further in view of Uba (US 4,421,832).

The Examiner further rejected claims 4 through 6 as being unpatentable over Osamu '130 in view of Pfeiffer '933, and further in view of Uba '832 by asserting that Uba '832 teaches the applicant's channel 36.

The applicant respectfully disagrees with the Examiner's assertion because Uba '832's channels 36 is in fact radially arranged in the neighborhood of central located channel 40 instead of in the neighborhood of central vent opening 42. As shown in FIGS. 1 and 2, Uba '832's channels 36 are connected to central located channel 40 at the bottom of the cell. In other words, Uba '832's channels 36 is not connected to the cental vent opening 42 which is the inlet of the electrolytic solution. Therefore, the Examiner's statement on page 10 of Paper No. 20080620 cited as follows is not correct:

> "Uba teaches channels (36) adapted to facilitate injection of an electrolyte (Applicant's electrolytic solution) in the neighborhood of the central vent opening (42) whereby electrolyte is delivered (Applicant's electrolytic solution inlet). One end of the channels (36) is connected to the central vent opening (42) whereby electrolyte is delivered (Applicant's electrolytic solution inlet). The channels (36) are linearly shaped and arranged radially (Applicant's spirally) in the neighborhood of the central vent opening (42) whereby electrolyte is delivered (Applicant's electrolytic solution inlet) (figures 4 and 6;

column 3, lines 51-60). Uba teaches that because of these channels the electrolyte is distributed uniformly to the cell (column 3, lines 35-39 and lines 56-60)."

Therefore, Uba '832 does not teach the applicant's channel 36.

The applicant further notes that the examiner's proposed combination does not contemplate an enlarged electrolytic solution inlet as defined in the applicant's amended claim 1. Consequently, claims 4 through 6 are not tendered obvious by the Examiner proposed combination.

III. Claim 7 is rejected under 35 U.S.C. §103 as being unpatentable over Osamu JP'130 in view of Pfeiffer DE'933, and further in view of Planchat (US 4,735,630).

The applicant notes that the examiner's proposed combination does not contemplate an enlarged electrolytic solution inlet and channels connected to the enlarged electrolytic solution inlet as defined in the applicant's amended claim 4. Consequently, claim 7 is not tendered obvious by the Examiner proposed combination.

IV. Claims 12-13 are rejected under 35 U.S.C. §103 as being unpatentable over Osamu JP'130 in view of Pfeiffer DE'933, and further in view of Masumoto et al. (WO 2003/003485, US 2003/0180582).

The applicant notes that the examiner's proposed combination does not contemplate an enlarged electrolytic solution inlet as defined in the applicant's amended claim 1. Consequently,

claims 12 and 13 are not tendered obvious by the Examiner proposed combination.

V. Claims 14 and 26 are rejected under 35 U.S.C. §103 as being unpatentable over Osamu JP'130 in view of Masumoto WO'485.

The applicant has amended independent claim 14 by adding the definitions of the enlarged electrolytic solution inlet. The same arguments against the Examiner's rejection to the applicant's claim 1 is now applied to the Examiner's rejection to the applicant's claim 14.

The applicant notes that the examiner's proposed combination does not contemplate an enlarged electrolytic solution inlet as defined in the applicant's amended claim 14. Consequently, claim 26 is not tendered obvious by the Examiner proposed combination.

VI. Claim 15 is rejected under 35 U.S.C. §103 as being unpatentable over Osamu JP'130 in view of Masumoto WO'485, and further in view of Yamahira et al. (US 2002/0012829).

The applicant notes that the examiner's proposed combination does not contemplate an enlarged electrolytic solution inlet as defined in the applicant's amended claim 14. Consequently, claim 15 is not tendered obvious by the Examiner proposed combination.

VII. Claims 16-17 and 19-21 are rejected under 35 U.S.C. §103 as being unpatentable over Osamu JP'130 in view of Masumoto WO'485, and further in view of Yamahira '829, and further in view of Uba '832.

The applicant has cancelled claims 16 and 17.

The applicant notes that the examiner's proposed combination does not contemplate an enlarged electrolytic solution inlet as defined in the applicant's amended claim 14. Consequently, claims 19 through 21 are not tendered obvious by the Examiner proposed combination.

VIII. Claim 22 is rejected under 35 U.S.C. §103 as being unpatentable over Osamu JP'130 in view of Masumoto WO'485, Yamahira '829, and Uba '832, and further in view of Planchat '630.

The applicant notes that the examiner's proposed combination does not contemplate an enlarged electrolytic solution inlet as defined in the applicant's amended claim 14. Consequently, claim 22 is not tendered obvious by the Examiner proposed combination.

IX. Claim 23 is rejected under 35 U.S.C. §103 as being unpatentable over Osamu JP'130 in view of Masumoto WO'485, and Yamahira '829, and further in view of Pfeiffer DE'933.

The applicant notes that the examiner's proposed combination does not contemplate an enlarged electrolytic solution inlet as defined in the applicant's amended claim 14. Consequently, claim 23 is not tendered obvious by the Examiner proposed combination.

X. Claim 27 is rejected under 35 U.S.C. §103 as being unpatentable over Osamu JP'130 in view of Masumoto WO'485, and Yamahira '829.

The applicant has amended independent claim 27 by adding the definition of the enlarged electrolytic solution inlet. The same arguments against the Examiner's rejection to the applicant's claim 1 is now applied to the Examiner's rejection to the applicant's claim 27.

XI. Claim 28-33 rejected under 35 U.S.C. §103 as being unpatentable over Osamu JP'130 in view of Masumoto WO'485, and Yamahira '829, and further in view of Uba '832.

The applicant has cancelled claims 28 and 30.

The Examiner further rejected claims 31 through 33 as being unpatentable over Osamu '130 in view of Pfeiffer '933, and further in view of Uba '832 by asserting that Uba '832 teaches the applicant's channel 36. The applicant respectfully disagrees with the Examiner's assertion because Uba '832's channels 36 is in fact radially arranged in the neighborhood of central located channel 40 instead of in the neighborhood of central vent opening 42. As shown in FIGS. 1 and 2, Uba '832's channels 36 are connected to the central located channel 40 at the bottom of the cell. In other words, Uba '832's channels 36 is not connected to the cental vent opening 42 which is the inlet of the electrolytic solution. Therefore, the Examiner's statement on page 10 of Paper No. 20080620 cited as follows is not correct:

> "Uba teaches channels (36) adapted to facilitate injection of an electrolyte (Applicant's electrolytic solution) in the neighborhood of the central vent opening (42) whereby electrolyte is delivered (Applicant's electrolytic solution inlet). One end of the channels (36) is connected to the central vent opening (42) whereby electrolyte is delivered (Applicant's electrolytic solution inlet). The channels (36) are linearly shaped and arranged radially (Applicant's spirally) in the neighborhood of the central vent opening (42) whereby electrolyte is delivered (Applicant's electrolytic solution inlet) (figures 4 and 6;

column 3, lines 51-60). Uba teaches that because of these channels the electrolyte is distributed uniformly to the cell (column 3, lines 35-39 and lines 56-60)."

Therefore, Uba '832 does not teach the applicant's channel 36.

The applicant further notes that the examiner's proposed combination does not contemplate an enlarged electrolytic solution inlet as defined in the applicant's amended claim 27. Consequently, claims 29, and 31 through 33 are not tendered obvious by the Examiner proposed combination.

XII. Claim 34 is rejected under 35 U.S.C. §103 as being unpatentable over Osamu JP'130 in view of Masumoto WO'485, Yamahira '829, and Uba '832, and further in view of Planchat '630.

The applicant notes that the examiner's proposed combination does not contemplate an enlarged electrolytic solution inlet as defined in the applicant's amended claim 27. Consequently, claim 34 is not tendered obvious by the Examiner proposed combination.

XIII. Claim 35 is rejected under 35 U.S.C. §103 as being unpatentable over Osamu JP'130 in view of Masumoto WO'485, and Yamahira '829, and further in view of Pffeiffer DE'933.

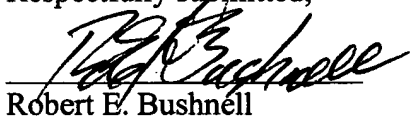
The applicant notes that the examiner's proposed combination does not contemplate an enlarged electrolytic solution inlet as defined in the applicant's amended claim 27. Consequently, claim 35 is not tendered obvious by the Examiner proposed combination.

In view of the foregoing amendments and remarks, all claims are deemed to be allowable and

this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

No fee is incurred by this Amendment.

Respectfully submitted,



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